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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1999

Interim study of the question of honoraria payable to members of organs and subsidiary organs of the United Nations

Report of the Secretary-General

I. INTRODUCTION

1. In its resolution 35/218 of 17 December 1980, the General Assembly decided that, with effect from 1 January 1981, the following rates of honoraria should be payable in those cases that it had already authorized on an exceptional basis, namely, the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal and the Human Rights Committee:

Revised rate of honoraria (United States dollars)

Chairmen (Presidents)	5 000
Vice-Chairman of the International Narcotics Control Board	4 000
Other members	3 000
Additional amount payable to members of the International Law Commission when acting as special rapporteurs, conditional upon the preparation of specific reports of studies between sessions of the Commission	2 500



2. In the same resolution, the General Assembly requested the Secretary-General to keep the above rates of honoraria under review and to report thereon to the Assembly, when, in his judgement, their revision by the Assembly might be warranted.

II. BACKGROUND INFORMATION

3. In the fall of 1989, the Legal Counsel of the United Nations received a communication from the President of the United Nations Administrative Tribunal proposing increases in the rates of honoraria for the President and members of the Tribunal. The Secretary-General noted the arguments put forward by the President of the Tribunal and concluded that it was appropriate to bring the matter to the attention of the Assembly, pursuant to paragraph 2 of its resolution 35/218.

4. Accordingly, a report on honoraria payable to members of organs and subsidiary organs of the United Nations (A/C.5/46/12) was submitted to the General Assembly at its forty-sixth session. The Advisory Committee on Administrative and Budgetary Questions, having been informed that a more comprehensive review would be conducted on the subject, did not comment on the proposals contained in the report and recommended instead that the General Assembly defer consideration of the matter until its forty-seventh session.¹

5. In section V of its resolution 46/185 A of 20 December 1991, the General Assembly decided to defer until its forty-seventh session consideration of the report of the Secretary-General on the item.

6. In paragraph 85 of its first report on the proposed programme budget for the biennium 1992-1993,² the Advisory Committee stated that, with the rapid expansion of the activities of the United Nations in certain areas, the work of some of its committees and commissions had increased dramatically. The Advisory Committee also stated its belief that the time had come for the Secretary-General to examine all the consequences of that trend and to report thereon to the General Assembly with such recommendations as might be appropriate.

7. Consequently, the Secretary-general submitted to the General Assembly at its forty-seventh session a report on honoraria payable to members of organs and subsidiary organs of the United Nations (A/C.5/47/45).

8. In his review, the Secretary-General recalled the conditions enunciated by the General Assembly in its resolutions 35/218 and 45/185 A and by the Advisory Committee and took note of the arguments put forward by the President of the United Nations Administrative Tribunal, notably the doubling of its volume of work in the last decade, which was deemed could serve as a basis for an increase in the rates of honoraria. A concomitant increase in the responsibilities and workload was also detected for the other five bodies for which honoraria had been authorized. In the light of the length of time that had elapsed since the occasion of the latest revision in the rate of honoraria, the Secretary-General decided to bring the matter to the attention of the Assembly, in accordance with the provisions of paragraph 2 of resolution 35/218.

9. The Secretary-General also recalled his comments made in his report submitted to the General Assembly at its forty-sixth session (A/C.5/46/12) that there was no established procedure to determine the amount of an increase for honoraria and that honoraria were considered to be of a token nature. The Secretary-General was of the view that the honoraria had experienced a decline in their real value as a result of inflation since they were revised in 1981. Thus, he proposed to revise the rates of honoraria to reflect a 25 per cent increase over the current rates.

10. In paragraph 51 of his report, the Secretary-General observed that, in the absence of any specific guidance on the subject of honoraria and workload, he found it difficult to draw any conclusions on the relationship between workload and payment of honoraria to members of subsidiary bodies. In paragraph 52 of his report, he further commented that, over the years, the General Assembly had approved payment of honoraria in exceptional cases to members of specific organs and subsidiary organs. In some instances, the payment of such honoraria was based on specific provisions contained in the statutory rules approved by the General Assembly for the bodies concerned. From the nature of the mandates of those bodies (treaty implementation and other legal matters), it was his opinion that it would appear that the General Assembly has approved payment of honoraria to acknowledge in a token manner an evidently substantial sacrifice of time or of financial interest on the part of members rather than to seeking to compensate them adequately for their services.

11. He further stated that, at the time of the creation of the various bodies, the Secretary-General had not been involved in developing those decisions nor had he been advised of the rationale for payment of honoraria. The role of the Secretary-General in the process was limited to keeping the rates of honoraria under review and reporting thereon to the General Assembly when, in his judgement, their revision might be warranted. It was the view of the Secretary-General that the proposal to revise the rates of honoraria by 25 per cent, made in 1992, was still valid and thus it was resubmitted to the General Assembly for consideration at its forty-seventh session. In his report, the Secretary-General also presented a review of the workload of those committees and commissions for which the General Assembly had exceptionally authorized payment of honoraria, namely, the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. With respect to each of those bodies, he provided information on the composition of the membership and analysis of the nature of the workload, the responsibility of individual members, the annual average meeting period and the amount of documentation reviewed.

12. The Advisory Committee did not object to the Secretary-General's proposal to increase the rates of honoraria by 25 per cent; however, it commented that there was little evidence in the report to suggest that a comprehensive review regarding such questions as to whether there might be other bodies within the system eligible for payment of honoraria, or the implications of introducing uniformity into the conditions for the payment of honoraria, had been dealt with.³

13. In section XV of its resolution 47/219 of 23 December 1992, the General Assembly decided to postpone to its resumed forty-seventh session the review of the whole question of honoraria.

14. By its decision 47/460 B of 6 May 1993, the General Assembly decided to defer consideration of the reports of the Secretary-General on a comprehensive study of the question of honoraria payable to members of organs and subsidiary organs of the United Nations (A/C.5/46/12 and A/C.5/47/45); it has not considered the issue since then.

III. LEVEL OF HONORARIA

15. The Secretariat received communications in August 1995 and in January 1996, respectively, from the President of the International Narcotics Control Board, in which he recalled that the General Assembly, in its resolution 35/218, had revised the rates of honoraria of the Chairmen, the Vice-Chairman of the International Narcotics Control Board and other members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal and the Human Rights Committee. The provisions of General Assembly resolution 35/218 were also recalled whereby the Secretary-General was requested to keep the rates of honoraria under review and to report thereon to the Assembly when their revision might be warranted. The President of the International Narcotics Control Board also attached a chart showing the inflationary erosion that the amounts fixed by the Assembly have undergone during the past 15 years. He further stated that, "the members of the Board, who, in accordance with article 10, paragraph 6, of the Single Convention on Narcotic Drugs, 1961, shall receive adequate remuneration, as determined by the General Assembly, request therefore that appropriate steps be taken to revise the rates, which having already been in force since 1981 can no longer be considered adequate".

16. In January 1996, the Legal Counsel of the United Nations received a communication from the President of the United Nations Administrative Tribunal who recalled that:

"the rate of honoraria applicable to the Tribunal and other subsidiary organs, which has remained unchanged for 15 years, was the subject of a report by the Secretary-General to the General Assembly. This was prompted, in part, by a communication from one of my predecessors as President of the Administrative Tribunal. The issue was deferred for further study. ... The points touched on in paragraph 8 of the Secretary-General's report (A/C.5/46/12) with regard to workload and inflation have become even more aggravated since 1991. For that reason, I hope that a change in the status quo will receive the consideration it deserves in the near future. It seems to me to be quite unfair for it to have been permitted to persist since 1991."

17. At a meeting held on 21 October 1996 with the Legal Counsel, the President of the Administrative Tribunal and other members of the Tribunal addressed the issue of honoraria. During the discussion, it was indicated that the Tribunal felt that its members should be treated differently from those of other

non-judicial bodies, and their honoraria should be patterned after those paid to persons performing judicial functions for the United Nations, e.g., ad hoc judges of the International Court of Justice.

18. In paragraph 86 of its first report on the proposed programme budget for the biennium 1996-1997,⁴ the Advisory Committee recalled its view on the question of honoraria, expressed in 1992,⁵ that:

"7. ... there is little evidence in the report [A/C.5/47/45] to suggest that a comprehensive review regarding such questions as to whether there might be other bodies within the system eligible for payment of honoraria, or the implications of introducing uniformity into the conditions for the payment of honoraria, have been dealt with."

The Advisory Committee further commented that the concerns expressed above were still valid and it requested the Secretary-General to respond to them at the earliest opportunity.

IV. REVIEW OF THE LEVEL OF HONORARIA

19. The basic principle governing the payment of honoraria enunciated by the General Assembly in its resolution 2489 (XXIII) of 21 December 1968 and reaffirmed in its resolutions 3536 (XXX) of 17 December 1975 and 35/218 of 17 December 1980 was that neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the General Assembly.

20. As indicated in paragraph 1 above, the rates of honoraria were last revised by the General Assembly as from 1 January 1981 and are payable in those cases that it had already authorized on an exceptional basis, i.e., the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal and the Human Rights Committee.

21. In his report (A/C.5/47/45), the Secretary-General noted that the General Assembly had decided that the same rates of honoraria should be applied subsequently to two other subsidiary organs, on an exceptional basis. In its resolution 36/240 A of 18 December 1981, the General Assembly approved that the members of the Committee on the Elimination of Discrimination against Women be paid the rate of honoraria set out in resolution 35/218 (see A/C.5/36/90). In section VII of its resolution 44/201 A of 21 December 1989, the Assembly decided that the emoluments for members of the Committee on the Rights of the Child should be payable at the rates of honoraria authorized in resolution 35/218.

22. It is also recalled that, prior to the adoption of resolution 35/218, the General Assembly had examined the matter on several occasions, notably at its thirtieth,⁶ thirty-first (A/C.5/31/2) and thirty-third sessions.⁶ As mentioned above, the basic principle enunciated by the Assembly at its twenty-third, thirtieth and thirty-fifth sessions, respectively (resolution 2489 (XXIII) of 21 December 1968, and resolutions 3536 (XXX) and 35/218), was that neither a fee nor any other remuneration in addition to subsistence allowances at the standard

rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the General Assembly. It is further recalled that, at its thirtieth session, the Assembly had sought to determine whether it would be possible to replace the present practice, which derives from ad hoc decisions to allow exceptions to a rule, by a coherent system under which uniform criteria would determine whether members of a particular organ or subsidiary organ should or should not be paid honoraria.

V. CONCLUSIONS AND RECOMMENDATIONS

23. As mentioned in paragraph 3 above, the previous review of the level of honoraria was initiated in response to the 1989 submission by the President of the United Nations Administrative Tribunal. The purpose of the present report is to respond to the concerns expressed by both the President and members of the International Narcotics Control Board and the President and members of the United Nations Administrative Tribunal concerning the level of honoraria. Given their comments, it would seem appropriate to request that the General Assembly consider taking some action to revise the honoraria for members of the Board and the Tribunal as well as the members of other bodies who are paid honoraria. In this regard, it must be noted that the present report is being submitted as an interim measure pending the undertaking of the comprehensive review requested by the Advisory Committee regarding whether there might be other bodies within the system eligible for payment of honoraria and the implications of introducing uniformity into the conditions for the payment of honoraria. The Secretary-General intends to submit a report thereon to the General Assembly at its fifty-third session.

24. Bearing in mind the basic principle enunciated by the General Assembly and the views expressed by the Advisory Committee concerning honoraria, the Secretary-General, on this occasion, presents the merits of the arguments put forward by both the President of the International Narcotics Control Board and the President of the Tribunal. In so doing, he also recalls that, on the occasion of the review undertaken in 1992, the Advisory Committee had not objected to his proposal to revise the rates of honoraria to reflect a 25 per cent increase over the current rates.

25. In the circumstances, it is the view of the Secretary-General that since the Advisory Committee had not objected to his proposal to revise the rates of honoraria to reflect a 25 per cent increase over the rates that came into effect as from 1 January 1981, he is resubmitting this recommendation to the General Assembly for consideration at its fifty-second session. Should the Assembly approve this proposal, it would take effect as from 1 January 1998.

26. The revised annual rates of honoraria would be payable in those cases that the General Assembly had already authorized on an exceptional basis, namely, the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, as follows:

<u>Rate of honoraria</u> (United States dollars)			
	<u>Present</u> <u>rate</u> ¹	<u>Proposed</u> <u>rate</u>	<u>Increase</u>
Chairmen (presidents)	5 000	6 250	1 250
Vice-Chairman of the International Narcotics Control Board	4 000	5 000	1 000
Other members	3 000	3 750	750
Additional amount payable to members of the International Law Commission when acting as special rapporteurs, conditional upon the preparation of specific reports of studies between sessions of the Commission	2 500	3 125	625

* As authorized by the General Assembly by its resolutions 35/218, 36/240 A and 44/201.

VI. FINANCIAL IMPLICATIONS

27. Should the General Assembly approve the proposals for an increase by 25 per cent of the rates of honoraria to members of the six committees/organs listed in the annex to the present report, additional appropriations would be required in 1998-1999 under sections 6, 7, 15 and 22 as follows:

	\$
Section 6 Legal affairs	69 500
Section 7 Department of Economic and Social Affairs	35 500
Section 15 International drug control	21 500
Section 22 Human rights	56 500

Notes

¹ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 7A (A/46/7/Add.1-16), document A/46/7/Add.8.

² Ibid., Supplement No. 7 (A/46/7).

¹ A/47/7/Add.10, to be issued in Official Records of the General Assembly, Forty-seventh Session, Supplement No. 7A, document A/47/7/Add.10.

² Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 and corrigendum (A/50/7 and Corr.1).

³ See A/C.5/1677 and Corr.1, A/10500 and resolution 3536 (XXX).

⁴ See A/C.5/33/54 and Official Records of the General Assembly, Thirty-third Session, Supplement No. 7A, document A/33/7/Add.39.

ANNEX

Financial implications for the biennium 1998-1999 of
the proposed increase in the rates of honoraria

			<u>United States dollars</u>
Section 6	Legal affairs	International Law Commission (Chairman, 32 members (6 rapporteurs))	58 000
Section 6	Legal affairs	United Nations Administrative Tribunal (Chairman, 6 members)	11 500
Section 7	Department of Economic and Social Affairs	Committee on the Elimination of Discrimination against Women (Chairman, 22 members)	35 500
Section 15	International drug control	International Narcotics Control Board (President, 2 Vice- Presidents, 10 members)	21 500
Section 22	Human rights	Human Rights Committee (Chairman, 17 members)	28 000
Section 22	Human rights	Committee on the Rights of the Child (Chairman, 17 members)	<u>28 000</u>
Total			<u>182 500</u>
